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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/792,180	03/03/2004	James T. Russell	02-68

30031
MICHAEL W. HAAS, INTELLECTUAL PROPERTY COUNSEL
RESPIRONICS, INC.
1010 MURRY RIDGE LANE
MURRYSVILLE, PA 15668

CONFIRMATION NO. 4931
FORMALITIES LETTER

OC000000013344739
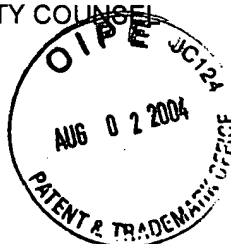
Date Mailed: 07/27/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of $130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$130** for a Large Entity

- **$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice __MUST__ be returned with the reply.

08/04/2004 EFLORES 00000057 500558 10792180
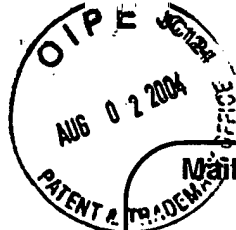
01 FC:1051   130.00 DA

Y. G.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

Mail Stop Missing Parts	Application Number	10/792,180
TRANSMITTAL	Filing Date	March 3, 2004
FORM	Confirmation Number	4931
(To be used for all correspondence after initial filing)	Inventor(s)	RUSSELL
	Group Art Unit	2856
Express Mail Label No.: EL 997387457 US	Examiner	Unknown
Total Number of Pages in This Submission: 10	Attorney Docket No.	02-68

ENCLOSURES *(check all that apply)*

☒ Fee Transmittal Form
(submit in duplicate)

  ☐ Fee Attached $ _____

  Check No.: _____

☐ Amendment / Response

  ☐ After Final

  ☐ Affidavits / Declaration(s)

☐ Extension of Time Request

☐ Information Disclosure Statement

  ☐ Form PTO-1449

  ☐ Cited References

  ☐ Search report

☐ Drawing(s): Number of Pages _____
Number of Figs. _____ and cover sheet

  ☐ Formal

  ☐ Informal

☐ Assignment Papers

  ☐ Cover Sheet

☐ Drawing Change Authorization Request and Amended Figure(s)

☐ Request for Return of PTO-1449 Forms

☐ Petition to the Commissioner

☐ To Convert a Provisional Application

☐ Power of Attorney, Revocation Change of Address

☐ Terminal Disclaimer(s)

☐ Certified Copy of Priority Document(s)

☒ Certificate of Mailing by Express Mail

☐ Issue fee Transmittal Form PTOL-85(b) + (c) and Cover Sheet

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*

☐ Request for Continued Examination (RCE)

☐ Status Request Letter

☐ Small Entity Statement

☐ Request for Refund

☒ Response to Missing Parts / Incomplete Application

☐ Other Enclosure(s): _____

Current Due Date: September 27, 2004

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual and Company	Michael W. Haas, Reg. No. 35,174 RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA, 15668
Signature	*Michael W. Haas*
Date	**August 2, 2004**

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all enclosures are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

   Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <u>August 2, 2004</u>, Express Mail Label No. <u>EL 997387457 US</u>.

Typed Name	Michael W. Haas, Reg. No. 35,174		
Signature	*Michael W. Haas*	Date	August 2, 2004

Certificate of Mailing by "Express Mail"

EL 997387457 US

"Express Mail" label number

August 2, 2004

Date of Deposit

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Signature of person mailing correspondence

Michael W. Haas

Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".

FEE TRANSMITTAL
(Effective 10/01/2003)

Application Number	10/792,180
Filing Date	March 3, 2004
First Named Inventor	RUSSELL
Confirmation Number	4931
Group Art Unit	2856
Examiner's Name	Unknown

TOTAL AMOUNT OF PAYMENT	$ 130.00	Attorney Docket No.	02-68

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: **50-0558**

Deposit Account Name: **Respironics, Inc.**

☒ Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17 1.19 and 1.20

☐ Charge the Issue Fee set forth in 37 C.F.R. § 1.18

2. ☐ Payment Enclosed:

Check (Check No. _____)

FEE CALCULATION *(fees effective 10/01/2003)*

1. FILING FEE

Large Entity Fee Code	($)	Small Entity Fee Code	($)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) | $ 0.00

2. CLAIMS

		Extra Claims		Fee from Below	Fee Paid
Total Claims	___	- ___	* ___ x	18 =	
Ind. Claims	___	- ___	* ___ x	86 =	
Multiple Dependent Claims add				290 =	

* Enter Highest Number Previous Paid For

Large Entity Fee	($)	Small Entity Fee	($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim
1204	86	2204	43	Reissue independent claims over original patent
1205	18	2205	9	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) | $ 0.00

FEE CALCULATION *(continued)*

3. ADDITIONAL FEES

Large Fee Code	Entity Fee ($)	Small Fee Code	Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or declaration	130.00
1052	50	2052	25	Surcharge - late provisional filing fee or or cover sheet	
1811	100	1811	100	Certificate of Correction	
1812	2,520	1812	2,520	For filing a request for reexamination	
576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for response within first month	
1252	420	2252	210	Extension for response within second month	
1253	950	2253	475	Extension for response within third month	
1254	1,480	2254	740	Extension for response within fourth month	
1255	2,010	2255	1,005	Extension for response within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive unavoidably abandoned application	
1453	1,330	2453	665	Petition to revive unintentionally abandoned application	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1814	110	2814	55	Statutory Disclaimer	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of property)	
1809	770	2809	385	Filing a submission after final rejection (37 C.F.R. § 1.129(a))	
1801	770	2801	385	Request for Continued Examination	

Other Fee (specify) _____

SUBTOTAL (3) | $ 130.00

SUBMITTED BY

Typed or Printed Name	Michael W. Haas	Reg. Number	35,174
Signature	*Michael W. Haas*	Date	August 2, 2004	Deposit Account Number	50-0558

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor	:	RUSSELL
Appln. No.	:	10/792,180
Conf. No.:	:	4931
Filed:	:	March 3, 2004
Title:	:	IMPROVED OPTICAL SYSTEM FOR A GAS MEASUREMENT SYSTEM
Group Art Unit	:	2856
Examiner	:	Unknown
Docket No.	:	02-68

*   *   *   *   *

August 2, 2004

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
(Filing Date Granted)

Hon. Commissioner of Patents
    and Trademarks
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application, filing date granted, dated July 27, 2004, applicant hereby submits the following:

1.   An original Combined Declaration and Power of Attorney for Patent Application form signed by inventor James T. Russell;

2.   A copy of the Notice to File Missing Parts, filing date granted, dated July 27, 2004 (Form PTO-1533); and

3. A Fee Transmittal Form, submitted in duplicate.

The Commissioner is hereby authorized to charge the surcharge for late filing of Declaration required under 37 C.F.R. § 1.16(e) to deposit account no. 50-0558. The Commissioner is also authorized to charge any other deficiency in the indicated fees or credit any overpayment to deposit account no. 50-0558.

Respectfully submitted,

By_____
Michael W. Haas
Reg. No.: 35,174
Tel. No.: (724) 387-5026
Fax No.: (724) 387-5021

RESPIRONICS INC.
1010 Murry Ridge Lane
Murrysville, PA 15668-8525